

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
Joseph Rouse,

Plaintiff,

-against-

Broadway & Cooper LLC,
Armondo's Pizza, Inc.,

Defendants.
-----X

**ORDER ADOPTING
REPORT & RECOMMENDATION**

23-CV-7849 (RER) (JAM)

RAMÓN E. REYES, JR., United States District Judge:

In a report and recommendation dated July 22, 2024, (ECF No. 17 (the “R&R”)), Magistrate Judge Joseph A. Marutollo recommended that the Court grant in part Plaintiff’s motion for default judgment. (*Id.*; see ECF No. 15). Judge Marutollo further recommended: (1) an injunction should be issued enjoining Defendants from continuing its discriminatory practices: (a) Defendants should be ordered to (i) prepare architectural plans remedying the violations identified by Plaintiff, and to (ii) provide Plaintiff’s counsel with those plans for review within 90 days after the entry of default judgment; (b) Plaintiff should be granted 30 days from receipt of Defendants’ architectural plan to consent or to seek further relief from the Court; and (c) Defendants should be permitted to complete the necessary alterations within 60 days after either (i) Plaintiff consents to the architectural plans or (ii) any ruling on Plaintiff’s request for further relief; and (2) Plaintiff should be granted 180 days after the entry of a default judgment to move for attorneys’ fees and costs.

Judge Marutollo advised the parties that they had 14 days from the date that R&R was received to file objections. (*Id.* at 24). To date, neither party has objected, and the

time to do so has passed. See Fed. R. Civ. P. 72(b)(2). The Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. See *Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007); see also 28 U.S.C. § 636(b); Fed. R. Civ. P. 72.

For the reasons explained in the R&R, Plaintiff's motion at ECF No. 19 is granted in part and denied in part. Accordingly, Defendants are hereby ordered to prepare architectural plans remedying the violations identified by Plaintiff and provide Plaintiff's counsel with those plans within 90 days, or by January 2, 2025. Plaintiff is granted 30 days thereafter, or by February 2, 2025, to consent or to seek further relief from the Court. Defendants shall complete the necessary alterations within 60 days of either Plaintiff's consent to the architectural plans or a court order. Plaintiff is granted 180 days, or by March 31, 2025, to move for attorneys' fees and costs.

SO ORDERED.

RAMÓN E. REYES, JR.
United States District Judge

Dated: October 3, 2024
Brooklyn, NY